

AO 91 AUTHORIZED AND APPROVED/DATE: Andrew Lee 4/15/09

UNITED STATES DISTRICT COURT

**FILED**

WESTERN

DISTRICT OF

OKLAHOMA

APR 15 2009

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY PC DEPUTY

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

DANIEL HAYDEN  
(Wherever Found)

Case No. M-09- 70 -RO

**SEALED**

I, Special Agent Michael Puskas, the undersigned complainant, state that the following is true and correct to the best of my knowledge and belief.

On or about April 11, 2009, in Oklahoma City, Oklahoma, in the Western District of Oklahoma, the defendant did transmit in interstate commerce a communication, via internet, that threatened to kill or injure specified and unspecified persons.

All in violation of Title 18, United States Code, Section 875(c).

I further state that I am a Special Agent of the Federal Bureau of Investigation (FBI) and that this complaint is based on the following facts:

See attached Affidavit of Special Agent Michael Puskas which is incorporated and made a part hereof by reference.

Continued on the attached sheet and made a part of this complaint: ☒ Yes ☐ No

Michael Puskas  
Special Agent Michael Puskas  
Federal Bureau of Investigation

Sworn to before me and signed in my presence on this 15 day of April, 2009, at Oklahoma City, Oklahoma.

BANA ROBERTS  
United States Magistrate Judge  
Name & Title of Judge

B. Roberts  
Signature of Judge

STATE OF OKLAHOMA     )  
                                  )   ss:  AFFIDAVIT OF MICHAEL S. PUSKAS  
COUNTY OF OKLAHOMA    )

I, Michael S. Puskas, depose and state the following  
is true and correct to the best of my knowledge and belief:

1.  This Affidavit is made in support of an  
Application for an Arrest Warrant for DANIEL KNIGHT HAYDEN, who  
is under investigation for violations of Title 18, U.S.C.,  
Section 875(c), (transmitting in interstate commerce a  
communication containing a threat to injure the person of  
another) and for a Search Warrant for the residence located at  
                          , Oklahoma City, Oklahoma, within the Western  
District of Oklahoma.

2.  I am a Special Agent of the Federal Bureau of  
Investigation (FBI), U.S. Department of Justice.  I have been  
employed with the FBI since February 1986.  I have been  
assigned to white collar crime squads in Oklahoma City and  
Chicago, and am currently assigned to the Oklahoma City Joint  
Terrorism Task Force.  I have conducted and been involved in  
numerous investigations of alleged criminal violations of

federal law. As a Special Agent, I have participated in investigations involving individuals suspected of terrorist activities, assisted in the execution of search and arrest warrants, conducted physical surveillance, analyzed records, and spoken with informants and subjects concerning investigations of numerous types of federal violations. The information contained herein is based upon my own investigation and information provided by other law enforcement officers experienced in conducting computer crimes investigations.

3. On April 14, 2009, Headquarters of the Federal Bureau of Investigation (FBIHQ) provided to the affiant threatening communications posted on Twitter.com, a social networking Internet site, by an individual using the Internet name "CitizenQuasar." A query of "CitizenQuasar's " Twitter.com profile, identified his location as Oklahoma City, Oklahoma.

4. The following are postings made by "CitizenQuasar " on April 11, 2009 on Twitter.com. The postings are verbatim, including grammatical errors and capitalizations.

5:31 pm Earl Shaffer will STEAL THE THUNDER AT THE OKLAHOMA

STATE CAPITOL on April 15, 2009! So help me, God!

5:33 pm I expect him to be killed before then. i KNOW how Oklahoma politics work!

7:59 pm The WAR WWIL start on the stepes of the Oklahoma State Capitol. I will cast the first stone. In the meantime, I await the police.

8:01 pm START THE KILLING NOW! I am willing to be the FIRST DEATH! I Await the police. They will kill me in my home.

8:04 pm The KILILNG HAS ALREADRDY STARTED BEGINIING WITH 168 Oklahoma on 4/1995! KILL THEM BACK!!!

8:06 pm After I am killed on the Capitol Steps like a REAL man, the rest of you will REMEMBER ME!!!

8:07 pm I await the police!

8:17 pm I really don' give a shit anymore. Send the cops around. I will cut their heads off the heads and throw the on the State Capitol steps.

8:17 pm vOf course they will kill me BUT life is no longer worth living. NOT in Oklahoma!

8:28 pm Oh..I apologize! Was that just whiskey talking?

REMEMBER this name: Earl Shaffer Oklahoma City

OK

5. Research of the domain "Twitter.com" found it was associated with Internet Protocol (IP) address 128.121.146.228. A search of the "Maxmind" online IP database indicated the IP address 128.121.146.228 is registered to the Internet Service Provider NTT America Advance Hosting - San Jose. Furthermore, it was indicated the IP address 128.121.146.228 currently terminates in Englewood, Colorado. In other words, any time an Internet user accesses Twitter.com, their request is sent to the IP address currently terminated in the Englewood, Colorado area. Therefore, "Citizen Quasar's" posts on Twitter.com were transmitted in interstate commerce.

6. Affiant learned from the Oklahoma Department of Public Safety that a public tax protest called the Tea Party is scheduled to be held on the south steps of the Oklahoma State Capitol on April 15, 2009, from 12:00 pm to 1:00 pm.

7. Open source searches identified a MySpace account using the name "Citizen Quasar" and providing data that the user is a fifty-two (52) year old male residing in Oklahoma City, Oklahoma. Open source research also identified an online Internet diary (blog), hosted by Blogger.com, utilized by an individual identified as "Quasar" in Oklahoma City, Oklahoma. Based upon the postings on the blog, including the correlation of arrest records and Oklahoma legal filings which were referenced in the blog, the user was identified as Daniel Knight Hayden. Hayden is a fifty-two year old white male who resides at Oklahoma City, Oklahoma.

8. Records from MySpace indicate that the IP addresses utilized by "Citizen Quasar " on April 14, 2009 were 99.31.24.80 and 76.242.179.176. Records from AT&T, the Internet Service Provider for both of those addresses, indicate that the customer who was utilizing these addresses was identified as Dan Hayden, with a service address of Oklahoma City, Oklahoma, Hayden's service with AT&T was initiated on December 5, 2008.

9. A review of postings on the "Quasar " blog and

the "Citizen Quasar" MySpace account revealed similarities with each other and with the "CitizenQuasar" Twitter.com postings. Your affiant submits that the following facts give rise to probable cause: the similarities in content (i.e. anti-government rhetoric), the use of the word "Quasar" in each of the three screen names, the use of "Citizen Quasar " in two of the screen names, the self-identifying information that he resides in Oklahoma City, Oklahoma, and is a fifty-two year old male, and the threatening postings involving occurrences in Oklahoma City. In addition, the communications by "Citizen Quasar," which were transmitted in interstate commerce via the internet, consisted of threatening to cut off officers' heads and inflicting injury upon other unspecified persons. Based on the foregoing, your affiant believes there is sufficient probable cause to believe that the threatening Twitter.com postings were made by Daniel Knight Hayden in violation of Title 18, United States Code, Section 875(c).

10. A review of Myspace access logs indicate that a computer using Daniel Knight Hayden's IP address accessed "Citizen Quasar's " MySpace page on April 14, 2009 from the residence at , Oklahoma City, Oklahoma. There is probable cause to believe that evidence of the crime

described herein currently exists in the residence at  
Oklahoma City, Oklahoma.

11. Computer storage devices (i.e. hard drives, compact disks, digital video disks, floppy disks, flash drives, thumb drives and others) can store the equivalent of thousands of pages of information. Often when a user wants to conceal criminal evidence, he or she stores it in random order with deceptive file names. This requires the searching authorities to examine all the stored data to determine whether it is included in the warrant. This sorting process can take days or weeks depending on the volume of the data stored, and it would be generally impossible to accomplish this kind of data search on site.

12. Searching computers for criminal evidence is a highly technical process requiring skill and a properly controlled environment. The search of a computer or computer system is an exacting scientific procedure designed to protect the integrity of the evidence and to recover hidden, erased, compressed, password-protected or encrypted files. Since computer evidence is vulnerable to tampering or destruction, the controlled atmosphere of laboratory is essential to complete this task. The Federal Bureau of Investigation, Oklahoma City Division (FBI OCD) has such a laboratory staffed with certified computer forensic



examiners. At least one certified forensic examiner will be present and take custody of any computers and storage media found at the search location. All magnetic storage media will be taken to the FBI/OCD lab for analysis. Identical copies of the original storage media will be produced by the assigned forensic examiner so as to maintain the integrity of the original evidence.

13. A list of search terms that may contain words of strings of characters related to the subject matter of the investigation will be used to identify files on the storage media of potential evidentiary value. Those files containing the search terms will be reviewed and their evidentiary value assessed. Those files deemed to have potential evidentiary value will be copied and extracted to a report containing only information relating to the subject matter of the investigation.

14. Because this Affidavit is being submitted for the limited purpose of establishing probable cause for an arrest warrant and a search warrant, the affiant has not attempted to report herein all of the facts known to him regarding this investigation.

15. Based upon the foregoing, your affiant requests a search warrant authorizing the search of Oklahoma City, Oklahoma, which the FBI has determined to be the

residence of Daniel Knight Hayden. The residence is described as a multi-unit dwelling containing multiple individual apartments, constructed of red brick with white doors and window frames, and blue-green trim and guttering. The primary entrance to the residence is the front door which faces east. The number            is on a sign on the south facing wall next to the door to this residence with an arrow pointing towards the door. Photographs of the residence are contained in Attachment A.

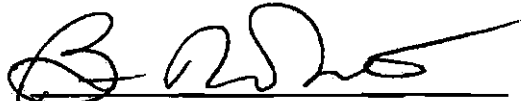
16. Attachment B contains a listing of items to be seized in connection with the probable cause as stated herein.

Further, your Affiant sayeth not.



Michael S. Puskas, Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me this 15 day of April 2009.



BANA ROBERTS  
U.S. Magistrate Judge